

In the High Court of Judicature at Madras

Dated: 29.03.2007

Coram:

The Honourable Mr.Justice P.SATHASIVAM
and
The Honourable Mr.Justice S. TAMILVANAN

Writ Petition No.1724 of 2007
and MP.Nos.1 and 2 of 2007

C.R. Chandrasekaran ...Petitioner

...vs...

The Commissioner
Corporation of Chennai
Chennai. ...Respondent

Writ petition filed under Article 226 of the Constitution of India,
praying for issuance of a writ of Certiorari as stated therein.

For Petitioner : Mr. W.M. Abdul Majeed

For Respondent : Mr. A. Mohammed Ghouse

...

ORDER

(Order of the Court was made by P.SATHASIVAM,J.)

By consent of both parties, the writ petition itself is taken up for disposal.

2. Aggrieved by the order of the respondent dated 28.12.2006, the petitioner has filed the above writ petition to quash the same.

3. According to the learned counsel for the petitioner, the building constructed by the petitioner is based on the plan sanctioned by the respondent. Even otherwise, as per the earlier direction of this Court dated 20.09.2006 made in W.P.No.12852 of 2006, if there is any violation or deviation, the petitioner is entitled another opportunity of being heard before passing an order of demolition and the said direction of the Division Bench has not been followed by the respondent before passing the impugned order dated 28.12.2006.

4. In the light of the above contention, we verified the impugned proceedings of the Commissioner, Corporation of Chennai and taking note of the assertion and stand taken by the petitioner, we are of the view that ends of justice would be met by directing the respondent or competent officer to inspect the premises in question, after notice to the petitioner. The authority concerned is directed to verify the present position of the building and submit a report of the respondent, in turn, the Commissioner, Corporation of Chennai, will pass appropriate orders. It is made clear that, if the construction is in accordance with the sanctioned plan, no further actin is required or else the respondent is free to proceed further in accordance with the provisions of Madras City Municipal Corporation Act.

With the above direction, the writ petition is disposed of. No costs. Consequently, connected MPs. are closed.

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Sd/
Asst. Registrar

/true copy/

Sub Asst.Registrar

To

The Commissioner
Corporation of Chennai
Chennai.

+ One cc to Mr. W.M. Abdul Majeed SR 19910

+ One cc to Mr. A. Mohammed Gouse SR 20068

BS (co)

sg 4/4/07

Writ Petition No.1724/07

सत्यमेव जयते
Dated:29.03.2007

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